

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL A. JOHNSON,

Civil Action No.06-10939

Plaintiff,

District Judge Sean F. Cox

vs.

JAMIE FOXX, et al,

Defendants.

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ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

Before the Court is Plaintiff's Application for Appointment of Counsel. The decision whether to appoint counsel is left to the discretion of the court. Typically, this court appoints counsel in a case only under exceptional circumstances and, in any event, only after the claims have survived a dispositive motion. There are no exceptional circumstances in this case that would warrant the appointment of counsel at this time, and plaintiff's claims have not yet been tested by a dispositive motion. Accordingly, the court will deny plaintiff's request without prejudice.

IT IS HEREBY ORDERED that the motion is DENIED.

SO ORDERED.

Dated: August 25, 2006

s/ Sean F. Cox

SEAN F. COX

UNITED STATES DISTRICT JUDGE

Copies to: Andrew Doctoroff, Brian Wassom and Michael A. Johnson